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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION
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14 In Re:) Chapter 7
Tae Joon Um and Chong Min Yi,)
15 Debtors.) Bankruptcy No. 09-49239
16) Adversary Case No. 09-04599
17)
18) MOTION TO DISMISS ADVERSARY
PROCEEDING
19) *FED. R. CIVIL P. 9 (b); FED. R. BANKR. P. 7009*
FED. R. CIVIL P. 12(b)(6)

20 Joint debtor and defendant in this action, Chong Min Yi (the "Debtor"), pursuant to *Fed.*
21 *R. Civil P. 9(b)* and *Fed. R. Civil P. 12(b)(6)*, by and through her counsel of record, respectfully
22 submits this Motion to Dismiss Adversary Proceeding filed by Wells Fargo Bank, N.A. (the
23 "Plaintiff") on December 31, 2009 for failure to plead the necessary elements with specificity to
24 establish fraud under *11 U.S.C.S. § 523*. A memorandum of points and authorities in support hereof
25 is concurrently filed with this Court as a separate document pursuant to *Bankruptcy Local Rule*
26 *9013-1*.
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PRAYER FOR RELIEF

WHEREFORE, the Debtor prays that this Court grant the following relief:

1. Dismiss the Plaintiff's Adversary Proceeding brought under 11 U.S.C. § 523 with prejudice;
2. An order awarding the Debtor its attorneys' fees and costs incurred herein; and
3. An order awarding the Debtor such additional relief as this Court deems just and equitable.

DATED: January 20, 2010

/s/ H. Jayne Ahn

Attorney for Debtor